

2013 DRAFTING REQUEST

Bill

| | | | |
|--------------|---------------------------------------|------------------|-----------------|
| Received: | 1/6/2013 | Received By: | tkuczens |
| Wanted: | As time permits | Same as LRB: | |
| For: | Administration-Budget 266-1037 | By/Representing: | Hynek |
| May Contact: | | Drafter: | tkuczens |
| Subject: | Education - miscellaneous | Addl. Drafters: | |
| | | Extra Copies: | pg, ffk |

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

DOA:.....Hynek, BB0344 -

Topic:

Home-Based Education

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| /? | tkuczens 1/10/2013 | | | _____ | | | |
| /P1 | tkuczens 1/22/2013 | scalvin 1/22/2013 | jmurphy 1/22/2013 | _____ | sbasford 1/10/2013 | | State S&L |
| /P2 | tkuczens 1/30/2013 | scalvin 1/30/2013 | jfrantze 1/30/2013 | _____ | lparisi 1/22/2013 | | State S&L |

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| /P3 | tkuczens 1/31/2013 | scalvin 1/31/2013 | phenry 2/1/2013 | _____ _____ | srose 1/30/2013 | | State S&L |
| /P4 | tkuczens 2/7/2013 | scalvin 2/7/2013 | rschluet 2/7/2013 | _____ _____ | sbasford 2/1/2013 | | State S&L |
| /P5 | tkuczens 2/13/2013 | kfollett 2/13/2013 | rschluet 2/13/2013 | _____ _____ | sbasford 2/7/2013 | | State S&L |
| /P6 | | | | _____ _____ | lparisi 2/13/2013 | | State S&L |

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2/13
2/13

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| /P4 | | 1/5 sac 02/07/2013 | | _____ | sbasford 2/1/2013 | | State S&L |

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/P3

1/14 SAC
01/31/2013

srose
1/30/2013

State
S&L

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| /P2 | | 1P3 sac 01/30/2013 | | _____ | lparisi 1/22/2013 | | State S&L |

Handwritten signatures and dates:
1/30/2013
1/30

FE Sent For:

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Pre Topic:

DOA:.....Hyneck, BB0344 -

Topic:

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FE Sent For:

<END>

Grant, Peter

From: Hanaman, Cathlene
Sent: Thursday, January 03, 2013 3:39 PM
To: Grant, Peter; Knepp, Fern; Kuczinski, Tracy
Subject: FW: Statutory Language Drafting Request - BB0344

From: Sara.Hynek@Wisconsin.gov [mailto:Sara.Hynek@Wisconsin.gov]
Sent: Thursday, January 03, 2013 3:35 PM
To: Hanaman, Cathlene
Cc: Hynek, Sara - DOA; Hynek, Sara - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request - BB0344

Biennial Budget: 2013-15

DOA Tracking Code: BB0344

Topic: Home-Based Education

SBO Team: EWD

SBO Analyst: Hynek, Sara - DOA
Phone: (608) 266-1037
E-mail: Sara.Hynek@Wisconsin.gov

Agency Acronym: DPI

Agency Number: 255

Priority: Medium

Intent:

Permit students enrolled in home-based education in any grade to take up to 2 courses in any school district in the state. Permit the school district that provides the courses to count the student as 0.25 FTE per course in the 3rd Friday of September membership count for equalization aid purposes.

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov

see 118.141

121.004(7) pupils enrolled cr. (am)
121.05(1)(a) 2.
cr. 121.05(1)(a) 2m.

no transp. required

Attend two schools? (one for each class)

Tie grade to age or grade level or test for admission to class?
(does there need to be a correlation b/c the
pupils asserted grade level and whatever class the pupil wants to take)

Does this mean a 3rd grade (8-grade) pupil could take an 8th
grade science class?



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-10297 PI

TKK: (.....)

Law Sac

DOA:.....Hyneck, BB0344 - Home-Based Education

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

in 1/10/13

1 AN ACT ^{do not gen} relating to: the budget.

Analysis by the Legislative Reference Bureau
EDUCATION ✓

PRIMARY AND SECONDARY EDUCATION ✓

This bill permits a pupil in a home-based educational program to enroll in up to two classes in any public school in any school district in the state. The bill permits a school district that enrolls such a pupil to count the pupil for equalization aid purposes as 0.25 pupil for each course in which the pupil is enrolled.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 2 SECTION 1. 118.53 ✓ of the statutes is created to read:
- 3 **118.53 Enrollment for pupils in a home-based educational program.**
- 4 The school board of a school district shall allow a pupil enrolled in a home-based
- 5 educational program to take up to 2 courses at a public school in the district during
- 6 each school semester.

******NOTE:** The drafting instructions are not clear as to whether the home-based pupil must reside within the school district within which he or she seeks to take a course. This draft does not require residency in the school district. Is that your intent?

****NOTE: The drafting instructions do not impose any conditions on a school accepting a pupil into a class. What if all the classes within which the pupil would enroll are full?

****NOTE: Will a pupil be able to enroll in a course in a charter school? In a s. 118.40 (2r) charter school?

****NOTE: The drafting instructions do not specify whether a correlation must exist between the course in which the child wishes to enroll and the age or skill or knowledge base of the pupil. For example, as drafted, this section would permit a 3rd grade pupil (age 8 or 9) to enroll in an 8th grade science class. Is that your intent? Or do you want to condition enrollment in a course on the pupil demonstrating that he or she is of a comparable age to other pupils in the course or possesses sufficient knowledge to enroll in the course?

****NOTE: Do you want to specify what a “course” means under this section? Must the pupil attend the course for a minimum time period during the day? Or week? Or must the pupil attend a course in one of certain designated subject areas?

To my knowledge, pupils in elementary grades (K through 5) don't really attend "courses" but do change rooms to participate in music or art or PE for a designated time period (such as 20 minutes) on one or, occasionally, more times each week. Would a 20-minute art period held once-per-week in 1st grade constitute a course?

****NOTE: The drafting instructions do not specify whether a home-based pupil would be able to attend one class in one school district and a second class in a different school district. Please advise.

****NOTE: The drafting instructions are not clear as to whether a home-based pupil may take more than two classes in any one semester. That is, the instructions indicate that the pupil could take up to 2 courses in any school district; this could be interpreted to mean that the pupil could take up to 2 course in one school district, and up to an additional 2 courses in another district, and up to an additional 2 courses in a third district. Please advise.

SECTION 2. 121.004 (7) (em) of the statutes is created to read:

121.004 (7) (em) A pupil attending public school under s. 118.53 shall be counted as 0.25 pupil for each course in which the pupil is enrolled at the public school during the school year.

SECTION 3. 121.05 (1) (a) 2m. of the statutes is created to read:

121.05 (1) (a) 2m. Pupils attending a public school under s. 118.53.

(END)

Kuczenski, Tracy

From: Hynek, Sara - DOA <Sara.Hynek@Wisconsin.gov>
Sent: Sunday, January 20, 2013 5:24 PM
To: Kuczenski, Tracy
Subject: LRB 1029 - home based education

Hi Tracy - to clarify, the student should be able to take a course in any district in the state. I was envisioning simply removing the "if the pupil resides in the school district" language from 118.145 (4), as well as the "high school" references. The remaining language would address the issue of available seats as well, as well as the correlation between age/skill and the class?

I think this would not apply to 2r charters, because the mechanism for reimbursement wouldn't work there.

I believe it would be fine for the student to attend the 2 classes in 2 different districts.

The limitation should be a TOTAL of 2 classes in any semester.

Thanks, I hope that helps!

Sara



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1029/P1 P2
TKK:sac:es
KMR:R

DOA:.....Hyneck, BB0344 - Home-Based Education

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

in 1/22/13

(1) In addition to the standards for admission under sso 118.014 and 120.012 (25), the school board of a district shall determine the minimum standards for admission to a course at each grade.

1 AN ACT ...; relating to: the budget.

offered by the
school district

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill permits a pupil in a home-based educational program to enroll in up to two classes in any public school in any school district in the state. The bill permits a school district that enrolls such a pupil to count the pupil for equalization aid purposes as 0.25 pupil for each course in which the pupil is enrolled.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 118.53 of the statutes is created to read:

3 118.53 Enrollment for pupils in a home-based educational program.

4 (1) The school board of a school district shall allow a pupil enrolled in a home-based educational program to take up to 2 courses at a public school in the district during

5 each school semester, who has met the standards for admission to the course under sub (1) (2).

6 If the school board determines that there is sufficient space in the classroom, a pupil enrolled in a home-based educational program may enroll in one course in each of 2 school districts, but may not enroll in more than 2 courses in any semester.

****NOTE: The drafting instructions are not clear as to whether the home-based pupil must reside within the school district within which he or she seeks to take a course. This draft does not require residency in the school district. Is that your intent?

****NOTE: The drafting instructions do not impose any conditions on a school accepting a pupil into a class. What if all the classes within which the pupil would enroll are full?

****NOTE: Will a pupil be able to enroll in a course in a charter school? In a s. 118.40 (2r) charter school?

****NOTE: The drafting instructions do not specify whether a correlation must exist between the course in which the child wishes to enroll and the age or skill or knowledge base of the pupil. For example, as drafted, this section would permit a 3rd grade pupil (age 8 or 9) to enroll in an 8th grade science class. Is that your intent? Or do you want to condition enrollment in a course on the pupil demonstrating that he or she is of a comparable age to other pupils in the course or possesses sufficient knowledge to enroll in the course?

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SECTION 3. 121.05 (1) (a) 2m. of the statutes is created to read:

121.05 (1) (a) 2m. Pupils attending a public school under s. 118.53.

(END)

Kuczenski, Tracy

From: Hynek, Sara - DOA <Sara.Hynek@Wisconsin.gov>
Sent: Wednesday, January 30, 2013 10:57 AM
To: Kuczenski, Tracy
Subject: RE: LRB 1029 - homeschool options

Hi Tracy, thanks for the reminder, and for finding these. We got sidetracked on open enrollment on this one... let's use "study which has the fundamental purposes of developing the knowledge, concepts and skills in a subject." Thanks!

From: Kuczenski, Tracy [mailto:Tracy.Kuczenski@legis.wisconsin.gov]
Sent: Wednesday, January 30, 2013 10:17 AM
To: Hynek, Sara - DOA
Subject: FW: LRB 1029 - homeschool options

Hi Sara –

Just in case this got lost in the shuffle, I'm resending a message from last week...

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Kuczenski, Tracy
Sent: Friday, January 25, 2013 5:13 PM
To: Hynek, Sara - DOA
Subject: RE: LRB 1029 - homeschool options

I didn't find anything in DPI's statutes defining course.

There are references to course requirements in s. 118.52, but they:

1. Provide that course requirements must satisfy high school graduation requirements (s. 118.52 (3) (d) 2.), which won't really apply so much to elementary courses.
2. Provide that any criteria used to reject a pupil from enrolling in a course in a non-resident school district must be the same as criteria used to reject a ***resident*** pupil from enrolling in the course.

I found nothing in PI 36 governing the definition of course. However, there are several definitions for "course" elsewhere in DPI's administrative rules, two of which could apply to this draft:

1. There is a definition for "course" in PI 5, governing high school equivalency diplomas and certificates. The definition, at PI 5.02 (4), provides that "course" means "study which has the fundamental purposes of developing the knowledge, concepts, and skills in a subject; and evaluation of the degree of attainment of the knowledge, concepts and skills."
2. There is a definition for "course" in PI 18, governing high school graduation standards. That definition, at PI 18.02 (2), provides that "course" means "study which has the fundamental purpose of developing the knowledge, concepts, and skills in a subject."

Do either of these work for you (plural)? I would prefer to incorporate the definition into the statutes rather than making a cross-reference to an administrative rule that could change or disappear...

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Hynek, Sara - DOA [<mailto:Sara.Hynek@Wisconsin.gov>]

Sent: Friday, January 25, 2013 4:51 PM

To: Kuczenski, Tracy

Subject: LRB 1029 - homeschool options

Hi Tracy – with respect to your question about whether to define course, I spoke with Michael B. who said he thought 118.52 contained a reference to PI 36 which contained a definition. I see neither the reference in 118.52 nor the definition in PI 36. Am I missing something that you're aware of, where "course" is defined elsewhere?

Sara Hynek
Team Leader, Education and Workforce Development Team
State Budget Office
Wisconsin Department of Administration
608-266-1037



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1029/P2 P3

TKK:sac:jm

insert

RMR

DOA:.....Hyneck, BB0344 - Home-Based Education

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

in 1/30/13

1 AN ACT *do not gen* relating to: the budget.

Analysis by the Legislative Reference Bureau
EDUCATION

Insert analysis

PRIMARY AND SECONDARY EDUCATION

courses

This bill permits a pupil in a home-based educational program to enroll in up to two classes in any public school in any school district in the state. The bill permits a school district that enrolls such a pupil to count the pupil for equalization aid purposes as 0.25 pupil for each course in which the pupil is enrolled. The bill requires each school district to determine minimum standards for admission to a course offered by the school district of each grade.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 118.53 of the statutes is created to read:

3 **118.53 Enrollment for pupils in a home-based educational program.**

4 (1) In addition to the standards for admission under ss. 118.14 and 120.12 (25), the

(2)

Insert 1-4

1 school board of a district shall determine the minimum standards for admission to
2 a course offered by the school district at each grade.

3 (2) The school board of a school district shall allow a pupil enrolled in a
4 home-based educational program, who has met the standards for admission to the
5 course under sub. (1) to enroll in up to 2 courses at a public school in the district
6 during each school semester if the school board determines that there is sufficient
7 space in the classroom.

8 (3) A pupil enrolled in a home-based educational program may enroll in one
9 course in each of 2 school districts, but may not enroll in more than 2 courses in any
10 semester.

***NOTE: Do you want to specify what a "course" means under this section? Must the pupil attend the course for a minimum time period during the day? Or week? Or must the pupil attend a course in one of certain designated subject areas?

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13 counted as 0.25 pupil for each course in which the pupil is enrolled at the public
14 school during the school year.

15 SECTION 3. 121.05 (1) (a) 2m. of the statutes is created to read:

16 121.05 (1) (a) 2m. Pupils attending a public school under s. 118.53.

17 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1029/P2ins
TKK:sac:jm

INSERT ANALYSIS

⁴
The bill defines "course" as "study which has the fundamental purposes of developing the knowledge, concepts, and skills in a subject."

INSERT 1-4

- 1 (1) In this section, "course" means study which has the fundamental purposes
2 of developing the knowledge, concepts, and skills in a subject.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1029/P3

TKK:sac:ff

insert

RM12

DOA:.....Hyneck, BB0344 - Home-Based Education

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

1-31-13

purv

Insert analysis

1

AN ACT ^{do not gen} relating to: the budget.

^, and not just a pupil who meets the standards for admission to high school ^

Analysis by the Legislative Reference Bureau

expands this opportunity to

EDUCATION

private

PRIMARY AND SECONDARY EDUCATION

^{any} This bill permits ^{enrolled} a pupil in a home-based educational program to enroll in up to two courses in any public school in any school district in the state. The bill defines "course" as "study which has the fundamental purposes of developing the knowledge, concepts, and skills in a subject." The bill permits a school district that enrolls such a pupil to count the pupil for equalization aid purposes as 0.25 pupil for each course in which the pupil is enrolled. The bill requires each school district to determine minimum standards for admission to a course offered by the school district of each grade.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 118.53 of the statutes is created to read:

2

Insert 1-2

(B) private

① **118.53 Enrollment for pupils in a home-based/educational program.**

2 (1) In this section, "course" means study which has the fundamental purposes of
3 developing the knowledge, concepts, and skills in a subject. § 118.145 (1) §

④ (2) In addition to the standards for admission under ss. 118.14~~4~~ and 120.12 (25),
5 the school board of a district shall determine the minimum standards for admission
6 to a course offered by the school district at each grade.

⑦ (3) ^A The ^{private} school board ^{private} of a school district shall allow a pupil enrolled in a
⑧ home-based/educational program, who has met the standards for admission to the
9 course under sub. (2), to enroll in up to 2 courses at a public school in the district
10 during each school semester if the school board determines that there is sufficient
11 space in the classroom. private

⑫ (4) A pupil enrolled in a home-based/educational program may enroll in one
13 course in each of 2 school districts, but may not enroll in more than 2 courses in any
14 semester.

15 **SECTION 2.** 121.004 (7) (em) of the statutes is created to read:

16 121.004 (7) (em) A pupil attending public school under s. 118.53 shall be
17 counted as 0.25 pupil for each course in which the pupil is enrolled at the public
18 school during the school year. 12m

⑰ **SECTION 3.** 121.05 (1) (a) ^e (2m) of the statutes is created to read:

20 121.05 (1) (a) ^e (2m). Pupils attending a public school under s. 118.53.

21 (END) 12m

Insect 2-15

Insect 2-21

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1029/P4ins
TKK:sac:jm

INSERT ANALYSIS

Under current law, a pupil enrolled in a home-based private educational program who has met the standards for admission to high school may take up to two courses each semester in any school in the school district within which the pupil resides if there is sufficient space in the classroom.

INSERT 1-2

- 1 **SECTION 1.** 118.145 (4) of the statutes is amended to read:
- 2 118.145 (4) The school board of a school district operating high school grades
- 3 shall allow a pupil enrolled in a private school, or a pupil enrolled in a tribal school,
- 4 ~~or a pupil enrolled in a home-based educational program~~, who has met the standards
- 5 for admission to high school under sub. (1), to take up to 2 courses during each school
- 6 semester if the pupil resides in the school district in which the public school is located
- 7 and if the school board determines that there is sufficient space in the classroom.

History: 1975 c. 39, 199; 1995 a. 27 s. 9145 (1); 1997 a. 27, 240; 2009 a. 302.

INSERT 2-15

- 8 **SECTION 2.** 119.04 (1) of the statutes is amended to read:
- 9 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
- 10 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
- 11 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
- 12 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
- 13 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
- 14 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
- 15 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.53, 118.55,
- 16 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17)
- 17 to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are
- 18 applicable to a 1st class city school district and board.

NOTE: NOTE: Sub. (1) is shown as affected by 2011 Wis. Acts 157, 166, and 172 and as merged by the legislative reference bureau under s. 13.92 (2) (i).NOTE:

History: 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983

a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; 1999 a. 9, 32, 73; 1999 a. 150 ss. 631, 672; 1999 a. 186; 2005 a. 99, 290, 346; 2007 a. 20, 97, 220, 222; 2009 a. 28, 60, 96, 215, 273, 305, 309; 2011 a. 10, 32, 85, 157, 166, 172; s. 13.92 (2) (i).

INSERT 2-21

SECTION 3. 121.54[✓] (2) (c) of the statutes is amended to read:

121.54 (2) (c) An annual or special meeting of a common or union high school district, or the school board of a unified school district, may elect to provide transportation for pupils who are not required to be transported under this section, including pupils attending public school under s. 118.145 (4) or 118.53. Transportation may be provided for all or some of the pupils who reside in the school district to and from the public school they are entitled to attend or the private school, within or outside the school district, within whose attendance area they reside. If transportation is provided for less than all such pupils there shall be reasonable uniformity in the minimum distance that pupils attending public and private schools will be transported. Except for elementary school districts electing to furnish transportation under par. (b) 2., this paragraph does not permit a school district operating only elementary grades to provide transportation for pupils attending private schools.

History: 1971 c. 162; 1973 c. 89, 107, 333; 1975 c. 60, 392, 421; 1977 c. 227, 252, 418; 1981 c. 20 s. 2202 (51) (e); 1983 a. 27, 175; 1985 a. 29 s. 3202 (43); 1985 a. 218, 225, 240; 1993 a. 399, 492; 1995 a. 27 s. 9145 (1); 1995 a. 439; 1997 a. 27, 113, 164; 1999 a. 9, 117; 1999 a. 150 s. 672; 2001 a. 57; 2005 a. 68, 224; 2009 a. 185.

SECTION 4. 121.90 (1) (intro.) of the statutes is amended to read:

121.90 (1) (intro.) "Number of pupils enrolled" means the number of pupils enrolled on the 3rd Friday of September, including pupils identified in s. 121.05 (1) (a) 1. to 11. and 13., and the number of pupils attending the Challenge Academy program under s. 321.03 (1) (c) in the previous spring session, except that "number of pupils enrolled" excludes the number of pupils attending public school under s. ss. 118.145 (4) and 118.53 and except as follows:

History: 1993 a. 16; 1995 a. 27; 1997 a. 27, 113, 237, 286; 1999 a. 9, 32, 186; 2001 a. 109; 2005 a. 225; 2007 a. 20, 200; 2009 a. 28; 2011 a. 32.

Kuczenski, Tracy

From: Hynek, Sara - DOA <Sara.Hynek@Wisconsin.gov>
Sent: Thursday, February 07, 2013 12:11 PM
To: Kuczenski, Tracy
Subject: RE: LRB 1029, home-based education

I was using 4... but regardless, I think we should use "attending" instead of "enrolled" including in the new section title. Thanks!

From: Kuczenski, Tracy [<mailto:Tracy.Kuczenski@legis.wisconsin.gov>]
Sent: Thursday, February 07, 2013 11:20 AM
To: Hynek, Sara - DOA
Subject: RE: LRB 1029, home-based education

Hi Sara –

I do see the use of "enrolled" which should be changed to "attending" but those are on page 2, lines 15 and 20. Do you not have the most current draft? (we are up to a P4.)

I can change these occurrences of "enrolled." Also, the title of the new section 118.53 is "Enrollment for pupils in a home-based educational program." Would you like me to change the title to "Attendance by pupils enrolled in a home-based educational program"?

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Hynek, Sara - DOA [<mailto:Sara.Hynek@Wisconsin.gov>]
Sent: Thursday, February 07, 2013 11:06 AM
To: Kuczenski, Tracy
Subject: LRB 1029, home-based education

Hi Tracy – one small question on this one. On page 3, line 11, we use the word "enrolled." Should that be "attending"? Line 10 uses "attending," and I think we'd generally like to avoid referring to homeschooled children as enrolled at the district if possible.

Thanks,

Sara Hynek
Team Leader, Education and Workforce Development Team
State Budget Office
Wisconsin Department of Administration
608-266-1037



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1029/P4 P5

TKK:sac:ph

Ram 112

DOA:.....Hyneck, BB0344 - Home-Based Education

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

2/7/13

1 AN ACT *do not gen*; relating to: the budget.

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a pupil enrolled in a home-based private educational program who has met the standards for admission to high school may take up to two courses each semester in any school in the school district within which the pupil resides if there is sufficient space in the classroom. This bill expends this opportunity to permit any pupil enrolled in a home-based private educational program, and not just a pupil who meets the standards for admission to high school, to enroll in up to two courses in any public school in any school district in the state. The bill defines "course" as "study which has the fundamental purposes of developing the knowledge, concepts, and skills in a subject." The bill permits a school district that enrolls such a pupil *to attend a course* to count the pupil for equalization aid purposes as 0.25 pupil for each course *in which the pupil is enrolled*. The bill requires each school district to determine minimum standards for admission to a course offered by the school district of each grade. *attend* *permits* *enrolls* *attends*

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 118.145 (4) of the statutes is amended to read:

2 118.145 (4) The school board of a school district operating high school grades
3 shall allow a pupil enrolled in a private school, or a pupil enrolled in a tribal school,
4 ~~or a pupil enrolled in a home-based educational program~~, who has met the standards
5 for admission to high school under sub. (1), to take up to 2 courses during each school
6 semester if the pupil resides in the school district in which the public school is located
7 and if the school board determines that there is sufficient space in the classroom.

8 **SECTION 2.** 118.53 of the statutes ~~is created~~ to read:

9 118.53 ~~Enrollment for~~ ^{Attendance by} pupils ^{enrolled} in a home-based private educational
10 **program.** (1) In this section, "course" means study which has the fundamental
11 purposes of developing the knowledge, concepts, and skills in a subject.

12 (2) In addition to the standards for admission under ss. 118.14, 118.145 (1), and
13 120.12 (25), the school board of a district shall determine the minimum standards
14 for admission to a course offered by the school district at each grade.

15 (3) A school board shall allow a pupil enrolled in a home-based private
16 educational program, who has met the standards for admission to the course under
17 sub. (2), to ^{attend} ~~enroll in~~ up to 2 courses at a public school in the district during each school
18 semester if the school board determines that there is sufficient space in the
19 classroom.

20 (4) A pupil enrolled in a home-based private educational program ^{and attending a public school under this section} may ^{attend} ~~enroll~~
21 ⁱⁿ one course in each of 2 school districts, but may not ^{attend} ~~enroll in~~ more than 2 courses
22 in any semester.

23 **SECTION 3.** 119.04 (1) of the statutes is amended to read:

24 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
25 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

1 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
2 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
3 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
4 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
5 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.53, 118.55,
6 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17)
7 to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are
8 applicable to a 1st class city school district and board.

9 **SECTION 4.** 121.004 (7) (em) of the statutes is created to read:

10 121.004 (7) (em) A pupil attending public school under s. 118.53 shall be
11 counted as 0.25 pupil for each course (in which) the pupil (is enrolled) at the public
12 school during the school year. *e attends*

13 **SECTION 5.** 121.05 (1) (a) 12m. of the statutes is created to read:

14 121.05 (1) (a) 12m. Pupils attending a public school under s. 118.53.

15 **SECTION 6.** 121.54 (2) (c) of the statutes is amended to read:

16 121.54 (2) (c) An annual or special meeting of a common or union high school
17 district, or the school board of a unified school district, may elect to provide
18 transportation for pupils who are not required to be transported under this section,
19 including pupils attending public school under s. 118.145 (4) or 118.53.
20 Transportation may be provided for all or some of the pupils who reside in the school
21 district to and from the public school they are entitled to attend or the private school,
22 within or outside the school district, within whose attendance area they reside. If
23 transportation is provided for less than all such pupils there shall be reasonable
24 uniformity in the minimum distance that pupils attending public and private schools
25 will be transported. Except for elementary school districts electing to furnish

1 transportation under par. (b) 2., this paragraph does not permit a school district
2 operating only elementary grades to provide transportation for pupils attending
3 private schools.

4 **SECTION 7.** 121.90 (1) (intro.) of the statutes is amended to read:

5 121.90 (1) (intro.) “Number of pupils enrolled” means the number of pupils
6 enrolled on the 3rd Friday of September, including pupils identified in s. 121.05 (1)
7 (a) 1. to 11. and 13., and the number of pupils attending the Challenge Academy
8 program under s. 321.03 (1) (c) in the previous spring session, except that “number
9 of pupils enrolled” excludes the number of pupils attending public school under ~~s. ss.~~
10 118.145 (4) and 118.53 and except as follows:

11 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1029/P5

TKK:sac:rs

d. note
Lance

DOA:.....Hynek, BB0344 – Home-Based Education

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a pupil enrolled in a home-based private educational program who has met the standards for admission to high school may take up to two courses each semester in any school in the school district within which the pupil resides if there is sufficient space in the classroom. This bill expends this opportunity to permit any pupil enrolled in a home-based private educational program, and not just a pupil who meets the standards for admission to high school, to attend up to two courses in any public school in any school district in the state. The bill defines "course" as "study which has the fundamental purposes of developing the knowledge, concepts, and skills in a subject." The bill permits a school district that permits such a pupil to attend a course to count the pupil for equalization aid purposes as 0.25 pupil for each course the pupil attends. The bill requires each school district to determine minimum standards for admission to a course offered by the school district of each grade.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 118.145 (4) of the statutes is amended to read:

2 118.145 (4) The school board of a school district operating high school grades
3 shall allow a pupil enrolled in a private school, or a pupil enrolled in a tribal school,
4 ~~or a pupil enrolled in a home-based educational program~~, who has met the standards
5 for admission to high school under sub. (1), to take up to 2 courses during each school
6 semester if the pupil resides in the school district in which the public school is located
7 and if the school board determines that there is sufficient space in the classroom.

8 **SECTION 2.** 118.53 of the statutes is created to read:

9 **118.53 Attendance by pupils enrolled in a home-based private**
10 **educational program.** (1) In this section, “course” means study which has the
11 fundamental purposes of developing the knowledge, concepts, and skills in a subject.

12 (2) In addition to the standards for admission under ss. 118.14, 118.145 (1), and
13 120.12 (25), the school board of a district shall determine the minimum standards
14 for admission to a course offered by the school district at each grade.

15 (3) A school board shall allow a pupil enrolled in a home-based private
16 educational program, who has met the standards for admission to the course under
17 sub. (2), to attend up to 2 courses at a public school in the district during each school
18 semester if the school board determines that there is sufficient space in the
19 classroom.

20 (4) A pupil enrolled in a home-based private educational program and
21 attending a public school under this section may attend one course in each of 2 school
22 districts, but may not attend more than 2 courses in any semester.

23 **SECTION 3.** 119.04 (1) of the statutes is amended to read:

24 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
25 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

1 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
2 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
3 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
4 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
5 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.53, 118.55,
6 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17)
7 to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are
8 applicable to a 1st class city school district and board.

9 **SECTION 4.** 121.004 (7) (em) of the statutes is created to read:

10 121.004 (7) (em) A pupil attending public school under s. 118.53 shall be
11 counted as 0.25 pupil for each course the pupil attends at the public school during
12 the school year.

13 **SECTION 5.** 121.05 (1) (a) 12m. of the statutes is created to read:

14 121.05 (1) (a) 12m. Pupils attending a public school under s. 118.53.

15 **SECTION 6.** 121.54 (2) (c) of the statutes is amended to read:

16 121.54 (2) (c) An annual or special meeting of a common or union high school
17 district, or the school board of a unified school district, may elect to provide
18 transportation for pupils who are not required to be transported under this section,
19 including pupils attending public school under s. 118.145 (4) or 118.53.
20 Transportation may be provided for all or some of the pupils who reside in the school
21 district to and from the public school they are entitled to attend or the private school,
22 within or outside the school district, within whose attendance area they reside. If
23 transportation is provided for less than all such pupils there shall be reasonable
24 uniformity in the minimum distance that pupils attending public and private schools
25 will be transported. Except for elementary school districts electing to furnish

1 transportation under par. (b) 2., this paragraph does not permit a school district
2 operating only elementary grades to provide transportation for pupils attending
3 private schools.

4 **SECTION 7.** 121.90 (1) (intro.) of the statutes is amended to read:

5 121.90 (1) (intro.) “Number of pupils enrolled” means the number of pupils
6 enrolled on the 3rd Friday of September, including pupils identified in s. 121.05 (1)
7 (a) 1. to 11. and 13., and the number of pupils attending the Challenge Academy
8 program under s. 321.03 (1) (c) in the previous spring session, except that “number
9 of pupils enrolled” excludes the number of pupils attending public school under ~~s.~~ ss.
10 118.145 (4) and 118.53 and except as follows:

11 (END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1029/P5dn

TKK:sac:rs

Date

lg

Sara:

This bill reconciles LRB-1029/P5 and LRB-1187/P2. The treatment of s. 121.90 (1) (intro.) is deleted from this bill. The treatment of s. 121.90 (1) (intro.) under this bill is incorporated into the treatment of that section in LRB-1187/P3.

Both LRB-1029 and LRB-1187 should remain in the compiled bill.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1029/P6dn
TKK:sac:rs

Sara:

This bill reconciles LRB-1029/P5 and LRB-1187/P2. The treatment of s. 121.90 (1) (intro.) is deleted from this bill. The treatment of s. 121.90 (1) (intro.) under this bill is incorporated into the treatment of that section in LRB-1187/P3.

Both LRB-1029 and LRB-1187 should remain in the compiled bill.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1029/P6

TKK:sac:rs

DOA:.....Hynek, BB0344 - Home-Based Education

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to: the budget.**

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a pupil enrolled in a home-based private educational program who has met the standards for admission to high school may take up to two courses each semester in any school in the school district within which the pupil resides if there is sufficient space in the classroom. This bill expands this opportunity to permit any pupil enrolled in a home-based private educational program, and not just a pupil who meets the standards for admission to high school, to attend up to two courses in any public school in any school district in the state. The bill defines "course" as "study which has the fundamental purposes of developing the knowledge, concepts, and skills in a subject." The bill permits a school district that permits such a pupil to attend a course to count the pupil for equalization aid purposes as 0.25 pupil for each course the pupil attends. The bill requires each school district to determine minimum standards for admission to a course offered by the school district of each grade.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 118.145 (4) of the statutes is amended to read:

2 118.145 (4) The school board of a school district operating high school grades
3 shall allow a pupil enrolled in a private school, or a pupil enrolled in a tribal school,
4 ~~or a pupil enrolled in a home-based educational program~~, who has met the standards
5 for admission to high school under sub. (1), to take up to 2 courses during each school
6 semester if the pupil resides in the school district in which the public school is located
7 and if the school board determines that there is sufficient space in the classroom.

8 **SECTION 2.** 118.53 of the statutes is created to read:

9 **118.53 Attendance by pupils enrolled in a home-based private**
10 **educational program.** (1) In this section, “course” means study which has the
11 fundamental purposes of developing the knowledge, concepts, and skills in a subject.

12 (2) In addition to the standards for admission under ss. 118.14, 118.145 (1), and
13 120.12 (25), the school board of a district shall determine the minimum standards
14 for admission to a course offered by the school district at each grade.

15 (3) A school board shall allow a pupil enrolled in a home-based private
16 educational program, who has met the standards for admission to the course under
17 sub. (2), to attend up to 2 courses at a public school in the district during each school
18 semester if the school board determines that there is sufficient space in the
19 classroom.

20 (4) A pupil enrolled in a home-based private educational program and
21 attending a public school under this section may attend one course in each of 2 school
22 districts, but may not attend more than 2 courses in any semester.

23 **SECTION 3.** 119.04 (1) of the statutes is amended to read:

24 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
25 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

1 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
2 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
3 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
4 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
5 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.53, 118.55,
6 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17)
7 to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are
8 applicable to a 1st class city school district and board.

9 **SECTION 4.** 121.004 (7) (em) of the statutes is created to read:

10 121.004 (7) (em) A pupil attending public school under s. 118.53 shall be
11 counted as 0.25 pupil for each course the pupil attends at the public school during
12 the school year.

13 **SECTION 5.** 121.05 (1) (a) 12m. of the statutes is created to read:

14 121.05 (1) (a) 12m. Pupils attending a public school under s. 118.53.

15 **SECTION 6.** 121.54 (2) (c) of the statutes is amended to read:

16 121.54 (2) (c) An annual or special meeting of a common or union high school
17 district, or the school board of a unified school district, may elect to provide
18 transportation for pupils who are not required to be transported under this section,
19 including pupils attending public school under s. 118.145 (4) or 118.53.
20 Transportation may be provided for all or some of the pupils who reside in the school
21 district to and from the public school they are entitled to attend or the private school,
22 within or outside the school district, within whose attendance area they reside. If
23 transportation is provided for less than all such pupils there shall be reasonable
24 uniformity in the minimum distance that pupils attending public and private schools
25 will be transported. Except for elementary school districts electing to furnish

1 transportation under par. (b) 2., this paragraph does not permit a school district
2 operating only elementary grades to provide transportation for pupils attending
3 private schools.

4 (END)